

Sept. 12, 2018

Exhibit 18

TO: Environmental Quality Council
FROM: Scott Benowitz, Board Member, Missouri Headwaters Gun Dog Club,
MHGDC.org

SUBJECT: Comments on LC Dog 4

I offer the following comments on LC Dog 43:

General comment: This version of the bill does nothing to address how **training** bird dogs impacts wild birds on public land. My understanding from attending the July 2018 EQC hearing on LCDog 3 was that the EQC was going to consider public comments presented during that hearing regarding dog training on wild birds and incorporate draft language echoing some of those suggestions in LCDog 4.

Should the EQC move forward and incorporate language into a draft bill addressing dog training, I remind the EQC that Montana Code 87-6-15 contains the provision (1) (a) A person may not: (ii) with intent to prevent or hinder its lawful taking or its capture, **disturb a wild animal or engage in an activity** or place in its way any object or substance that will tend to disturb **or otherwise affect the behavior of a wild animal**; (emphasis added)

and

(5) (c) "wild animal" means a game animal, **migratory game bird, upland game bird**, fur-bearing animal, predatory animal, or fish. (emphasis added)

It is my opinion, based on over 25 years of training bird dogs in Montana and hunting wild birds in Montana that training bird dogs on wild birds constitutes an infraction of 87-6-15. Should the Legislature or the Department choose to pursue new regulations regarding training bird dogs on wild birds, exceptions to 87-6-15 for this purpose would have to be made.

Personally, I am not in favor of making exceptions to 87-6-15 to train bird dogs on wild birds. I have considered some type of permit system where a limited number of permits are issued to individuals, whether professional or amateur dog trainers to train bird dogs on wild birds, but I don't see where you draw the line. I am open to more public discussion between interested parties and FWP. Maybe I can be swayed.

I am in favor of the Department enforcing 87-6-15 regarding training bird dogs on wild birds.

The language in LCDog 4 pertaining to Field Trails has been modified from LCDog 3 based on public comments received. I agree with those modifications.

Thank you for the opportunity to comment.

From: Kyle Barner [<mailto:bigskybirddog@yahoo.com>]

Sent: Monday, September 10, 2018 10:17 AM

To: Kerry White <winwithwhite@gmail.com>; mikephillips@montana.net; Ellis, Janet <Rep.Janet.Ellis@mt.gov>; Curdy, Willis <Rep.Willis.Curdy@mt.gov>; Manzella, Theresa <Rep.Theresa.Manzella@mt.gov>; Pomnichowski, Jennifer <Sen.JP@mt.gov>; scott@performance-ec.com; Gunderson, Steve <Rep.Steve.Gunderson@mt.gov>; Smith, Cary <Sen.Cary.Smith@mt.gov>; Vuckovich, Gene <Sen.Gene.Vuckovich@mt.gov>; cvvincent@hotmail.com; Hamlett, Bradley <Rep.Bradley.Hamlett@mt.gov>; Lang, Mike <Sen.Mike.Lang@mt.gov>

Cc: Kolman, Joe <jkolman@mt.gov>

Subject: Fw: LC dog 3

Members of the EQC.

I have read the most recent draft of LCDog4, which does take in the August public comments, namely the removal of "prohibited field trials on public land from April 1 to August 31".

Thank you for that.

I have read the 2 letters of complaint in regards to the training of dogs on wild birds in eastern Montana, which, I was told was the cause for action on a dog training bill.

There is nothing within the latest draft bill that would curtail or stop the training on wild birds on public land by the large commercial mostly out of state dog trainers in eastern Montana.

I am very confused why you have spent so much time working on this bill with no language to slow or stop this activity.

This activity will most likely continue to get worse as according to my sources, Montana is the last western state or Canadian Province that allows training on wild birds out of season.

I repeat my July 5th email- "you have lost your focus".

Thanks for your time.

Sincerely

Kyle Barner

406-595-6242